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*Attorneys for Defendant Harbor Freight Tools USA, Inc.*

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

Nicholas Laguna, an unmarried man,

Plaintiff,

vs.

Harbor Freight Tools USA, Inc., a  
Delaware corporation; Yuming  
International, Ltd., a Chinese  
corporation; Does I through X; ABC  
PARTNERSHIPS I through X, and;  
BLACK CORPORATIONS I through  
X,

Defendants.

NO.

Pima County Superior Court

No. C20223728

**DEFENDANT HARBOR FREIGHT  
TOOLS USA, INC.'S NOTICE OF  
REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and LRCiv 3.6, Defendant Harbor Freight Tools USA, Inc. ("Harbor Freight") hereby removes this action from the Superior Court of Arizona, Pima County to the United States District Court for the District of Arizona. Removal is based on diversity jurisdiction under 28 U.S.C. § 1332.

1 In support of this Notice, Harbor Freight states as follows:

2 1. On September 12, 2022, Plaintiff Nicholas Laguna (“Laguna”) filed a  
3 Complaint against Harbor Freight Tools USA, Inc., and YUMING INTERNATIONAL,  
4 LTD., a Chinese corporation; DOES I through X; ABC PARTNERSHIPS I through X, and;  
5 BLACK CORPORATIONS in the Superior Court of Arizona, Pima County. *See Ex. C*  
6 **Complaint.**

7 2. Harbor Freight was served on November 29, 2022. *See Ex. D*, Affidavit of  
8 Service. Harbor Freight removed this lawsuit within 30 days of service. Therefore, the Notice  
9 of Removal is timely pursuant to 28 U.S.C. § 1446(b).

10 3. Harbor Freight removes this action based on 28 U.S.C. § 1441(b). There is  
11 complete diversity of citizenship between Plaintiff, Harbor Freight and Yuming International,  
12 Ltd., and the amount in controversy exceeds \$75,000.

13 **DIVERSITY JURISDICTION**

14 4. This Court has diversity jurisdiction over this action pursuant to 28 U.S.C. §  
15 1332(a) because Plaintiff, Harbor Freight and Yuming International, Ltd. are citizens of  
16 different states and the amount in controversy exceeds \$75,000.

17 5. Plaintiff is a resident of the State of Arizona in Pima County. *See Ex. C*,  
18 Complaint at 1.

19 6. Harbor Freight is, and was at the time Plaintiff commenced this action, a  
20 corporation organized under the laws of the State of Delaware with its principal place of  
21 business in California. Therefore, Harbor Freight is a citizen of both Delaware and California.  
22 *See* 28 U.S.C. § 1332(c)(1).

23 7. Defendant Yuming International, LTD (hereinafter “Yuming”) is a foreign  
24 corporation formed and organized under the laws of the Country of China whose headquarters  
25

1 are located at 4F, Noble Center, No. 1006, 3<sup>rd</sup> Fuzhong Road, Futian District Shenzhen,  
2 Guangdong, China. *See Ex. C*, Complaint at 4.

3 8. Defendants DOES I through X; ABC PARTNERSHIPS I through X, and;  
4 BLACK CORPORATIONS I through X are fictitious entities. Plaintiff alleges the true  
5 identities of the doe defendants are unknown. *See Ex. C*, Complaint at 5. Per 28 U.S.C. §  
6 1441(b)(1), the citizenship of defendants sued under fictitious names shall be disregarded for  
7 determining whether a civil action is removable under 28 U.S.C. § 1332(a).

8 9. Plaintiff asserts damages in excess of \$300,000. *See Ex. C*, Complaint at 19.  
9 Thus, the amount in controversy exceeds the required \$75,000.

10 10. Because there is complete diversity of citizenship between Plaintiff, Harbor  
11 Freight and Yuming, and because the amount in controversy is greater than \$75,000, this  
12 Court has diversity jurisdiction over this matter under 28 U.S.C. § 1332(a). Removal based  
13 on diversity of citizenship is proper.

#### 14 CONSENT AND STATE-COURT FILINGS

15 11. Harbor Freight is the only defendant that has been served in this action. *See Ex.*  
16 *D*, Affidavit of Service; *see also Ex. E*, November 29, 2022 Order Granting Plaintiff's *Ex*  
17 *Parte* Motion for Order Enlarging Time Within Which to Secure Service of Process Upon  
18 Foreign Defendant by 270 days. Therefore, Harbor Freight need not obtain the consent of the  
19 other named defendant to remove this action. 28 U.S.C. § 1446(b)(2)(A).

20 12. Harbor Freight has provided a copy of this Notice of Removal to Plaintiff and  
21 has filed a copy of the Notice of Removal with the Clerk of the Pima County Superior Court,  
22 pursuant to 28 U.S.C. § 1446(d) and Arizona District Court local Rule 3.6(a). **Exhibit G** is a  
23 copy of the Notice of Removal that Harbor Freight has filed with the Pima County Superior  
24 Court.  
25

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13. Pursuant to 28 U.S.C. § 1446(a) and Arizona District Court Local Rule 3.6(b), Defendant has attached copies of all process, pleadings and orders served upon them and all pleadings filed by all parties with the Pima County Superior Court prior to this Notice of Removal:

- (1) Supplemental Civil Cover Sheet: **Ex. A**
- (2) most recent state court docket: **Ex. B**
- (3) operative complaint: **Ex. C**
- (4) service documents: **Ex. D**
- (5) answers: None
- (6) state court orders terminating or dismissing parties: None
- (7) notices of appearance: None
- (8) pending motions, responses, and replies: None
- (9) remainder of state court record: **Ex E**
- (10) verification of the removing party or its counsel that true and complete copies of all pleadings and other documents filed in the state court proceeding have been filed: **Ex. F**
- (11) Pima County Superior Court Notice of Removal: **Ex. G**

DATED this date 19<sup>th</sup> day of December, 2022

RUSING LOPEZ & LIZARDI, P.L.L.C.

*/s/ Patricia V. Waterkotte*

Patricia V. Waterkotte  
 Alexander P. Valentine  
*Attorneys for Defendant Harbor Freight Tools  
 USA, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served this 19<sup>th</sup> day of December, 2022 via Notice of Electronic Filing, generated and transmitted by the ECF system of the District of Arizona, to the following CM/ECF registrants:

**BREWERWOOD, P.L.L.C.**

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By: /s/ Joan Harris

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